

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

---

In re:	)	Chapter 11
	)	
ORIUS CORP., <i>et al.</i>	)	Case No. 05-B-63876
	)	(Jointly Administered)
Debtors.	)	
	)	Honorable Judge Bruce W. Black
	)	
	)	Hearing Date: December 23, 2009
	)	Hearing Time: 9:30 a.m.

---

**NOTICE OF MOTION**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on **Wednesday, December 23, 2009 at 9:30 a.m.** or as soon thereafter as counsel may be heard, we shall appear before the **Honorable Bruce W. Black**, United States Bankruptcy Judge, in the room usually occupied by him as a Courtroom in the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Courtroom 615, Chicago, Illinois, or in his absence, before such other Judge who may be sitting in his place and stead and hearing bankruptcy motions, and shall then and there present the accompanying **Motion For Order (I) Entering Final Decree And Closing Chapter 11 Case; (II) Authorizing Abandonment Of Books, Records And Files; and (III) Granting Certain Related Relief**, a copy of which is attached hereto and is hereby served upon you, and shall pray for the entry of an order in conformity with the prayer of said pleadings.

Dated: November 30, 2009

Respectfully submitted,

THE ORIUS LIQUIDATION TRUST

/s/ Forrest B. Lammiman  
One of Its Attorneys

Forrest B. Lammiman (ARDC # 6208632)  
Meltzer, Purtill & Stelle LLC  
300 South Wacker Drive  
Suite 3500  
Chicago, IL 60606  
Tel: (312) 987-9900  
Fax: (312) 987-9854  
FLammiman@mpslaw.com

### **CERTIFICATE OF SERVICE**

Forrest B. Lammiman, an attorney, hereby certifies that on November 30, 2009, he caused the foregoing **Motion For Order (I) Entering Final Decree And Closing Chapter 11 Case; (II) Authorizing Abandonment Of Books, Records And Files; and (III) Granting Certain Related Relief** and the proposed order entitled **Final Decree and Order Closing Case and Authorizing the Abandonment of Books and Records** to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and listed below:

Leslie Allen Bayles	<a href="mailto:lbayles@vedderprice.com">lbayles@vedderprice.com</a>
Timothy L. Binetti	<a href="mailto:tlb@rbrmlaw.com">tlb@rbrmlaw.com</a> , <a href="mailto:tbinetti@tcfhlaw.com">tbinetti@tcfhlaw.com</a> ; <a href="mailto:trowden@tcfhlaw.com">trowden@tcfhlaw.com</a> ; <a href="mailto:mburt@tcfhlaw.com">mburt@tcfhlaw.com</a> ; <a href="mailto:lbalcitz@tcfhlaw.com">lbalcitz@tcfhlaw.com</a>
Thomas Blakemore	<a href="mailto:tblakemore@winston.com">tblakemore@winston.com</a> ; <a href="mailto:ECF_bank@winston.com">ECF_bank@winston.com</a>
Matthew J. Botica	<a href="mailto:mbotica@winston.com">mbotica@winston.com</a> , <a href="mailto:ECF_BANK@winston.com">ECF_BANK@winston.com</a>
Francis X. Buckley	<a href="mailto:fxbuckleyjr@thompsoncoburn.com">fxbuckleyjr@thompsoncoburn.com</a>
W. Kent Carter	<a href="mailto:wcarter@clarkhill.com">wcarter@clarkhill.com</a> , <a href="mailto:estoneking@clarkhill.com">estoneking@clarkhill.com</a>
Mindy D. Cohn	<a href="mailto:mcohn@winston.com">mcohn@winston.com</a> , <a href="mailto:pstepan@winston.com">pstepan@winston.com</a> ; <a href="mailto:ECF_BANK@winston.com">ECF_BANK@winston.com</a>
Jeffrey C. Dan	<a href="mailto:jdancraneheyman.com">jdancraneheyman.com</a> , <a href="mailto:slydon@craneheyman.com">slydon@craneheyman.com</a> ; <a href="mailto:dwelch@craneheyman.com">dwelch@craneheyman.com</a>
Faith Dolgin	<a href="mailto:Faith.dolgin@illinois.gov">Faith.dolgin@illinois.gov</a>
Kevin B. Duff	<a href="mailto:kduff@rddlaw.net">kduff@rddlaw.net</a> , <a href="mailto:kpritchard@rddlaw.net">kpritchard@rddlaw.net</a>
Michael M. Eidelman	<a href="mailto:meidelman@vedderprice.com">meidelman@vedderprice.com</a> , <a href="mailto:ect-docket@vedderprice.com">ect-docket@vedderprice.com</a>
Nancy G. Everett	<a href="mailto:neverett@winston.com">neverett@winston.com</a> , <a href="mailto:ECF_Bank@winston.com">ECF_Bank@winston.com</a>
Thomas R. Fawkes	<a href="mailto:tfawkes@freebornpeters.com">tfawkes@freebornpeters.com</a> , <a href="mailto:bkdocketing@freebornpeters.com">bkdocketing@freebornpeters.com</a>
Amy Glavin-Grogan	<a href="mailto:kim@garellilaw.com">kim@garellilaw.com</a>
Jeffrey L. Gansberg	<a href="mailto:gansberg@live.com">gansberg@live.com</a>
Mary E. Gardner	<a href="mailto:mgardner@rdlmlaw.com">mgardner@rdlmlaw.com</a> , <a href="mailto:megardner@earthlink.net">megardner@earthlink.net</a>
Aaron L. Hammer	<a href="mailto:ahammer@freebornpeters.com">ahammer@freebornpeters.com</a> , <a href="mailto:bkdocketing@freebornpeters.com">bkdocketing@freebornpeters.com</a>
Katherine Heid Harris	<a href="mailto:kharris@lockelord.com">kharris@lockelord.com</a> , <a href="mailto:docket@lockelord.com">docket@lockelord.com</a>
James R. Irving	<a href="mailto:Jim.irving@dlapiper.com">Jim.irving@dlapiper.com</a>

Shira R. Isenberg	<a href="mailto:sisenberg@freebornpeters.com">sisenberg@freebornpeters.com</a> , <a href="mailto:bkdocketing@freebornpeters.com">bkdocketing@freebornpeters.com</a>
Harold D. Israel	<a href="mailto:hisrael@kayescholer.com">hisrael@kayescholer.com</a> , <a href="mailto:keanderson@kayescholer.com">keanderson@kayescholer.com</a>
Richard G. Jensen	<a href="mailto:rjensen@fwhtlaw.com">rjensen@fwhtlaw.com</a>
Lisa D. Johnson	<a href="mailto:Lisa.johnson@hklaw.com">Lisa.johnson@hklaw.com</a>
David L. Kane	<a href="mailto:dkane@mpslaw.com">dkane@mpslaw.com</a>
Jonathan D. Karmel	<a href="mailto:Jon_karmellaw@ameritech.net">Jon_karmellaw@ameritech.net</a>
Frank J. Kokoszka	<a href="mailto:fkokoszka@k-jlaw.com">fkokoszka@k-jlaw.com</a> , <a href="mailto:admin@k-jlaw.com">admin@k-jlaw.com</a>
Forrest B. Lammiman	<a href="mailto:flammiman@mpslaw.com">flammiman@mpslaw.com</a>
Michael D. Lee	<a href="mailto:mlee@schuylerroche.com">mlee@schuylerroche.com</a> , <a href="mailto:vvillagomez@schuylerroche.com">vvillagomez@schuylerroche.com</a>
Ian K. Linnabary	<a href="mailto:ikl@renozahm.com">ikl@renozahm.com</a>
Harold E. McKee	<a href="mailto:hmckee@rmp-llc.com">hmckee@rmp-llc.com</a>
Wendy E. Morris	<a href="mailto:wmorris@freebornpeters.com">wmorris@freebornpeters.com</a> , <a href="mailto:bkdocketing@freebornpeters.com">bkdocketing@freebornpeters.com</a>
William T. Neary	<a href="mailto:USTPRegion11.ES.ECF@usdoj.gov">USTPRegion11.ES.ECF@usdoj.gov</a>
David A. Newby	<a href="mailto:dnewby@jnlegal.net">dnewby@jnlegal.net</a> , <a href="mailto:cjohnson@jnlegal.net">cjohnson@jnlegal.net</a>
Patricia E. Rademacher	<a href="mailto:prademacher@costonlaw.com">prademacher@costonlaw.com</a> , <a href="mailto:jrojas@costonlaw.com">jrojas@costonlaw.com</a> ; <a href="mailto:vivers@costonlaw.com">vivers@costonlaw.com</a> ; <a href="mailto:amuchoney@costonlaw.com">amuchoney@costonlaw.com</a>
Travis Rojakovick	<a href="mailto:trojakovick@mayerbrown.com">trojakovick@mayerbrown.com</a>
Jennifer Rojas	<a href="mailto:jrojas@costonlaw.com">jrojas@costonlaw.com</a>
Hans U. Stucki	<a href="mailto:hstucki@ebglaw.com">hstucki@ebglaw.com</a> , <a href="mailto:lbrookins@ebglaw.com">lbrookins@ebglaw.com</a>
John R. Weiss	<a href="mailto:jrweiss@duanemorris.com">jrweiss@duanemorris.com</a>

Additionally, the parties on the attached Service List were served via United States mail, first class postage prepaid. Parties may access this filing through the Court's CM/ECF system.

/s/ Forrest B. Lammiman

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

United States Trustee  
219 S. Dearborn #873  
Chicago, IL 60604

Matthew J. Botica  
Thomas Blakemore  
Mindy D. Cohn  
Winston & Strawn LLP  
35 W. Wacker Drive  
Chicago, IL 60601-9703

Deutsche Bank Trust Company Americas,  
as Administrative Agent  
(Attn: D. Lazarov)  
60 Wall Street – 11<sup>th</sup> Floor  
New York, NY 10005

Aaron L. Hammer  
Thomas R. Fawkes  
Freeborn & Peters LLP  
311 S. Wacker Drive – Suite 3000  
Chicago, IL 60606-6677

IL Dept. of Employment Security  
Bankruptcy Unit (Attn: D. Johnson)  
33 S. State Street  
Chicago, IL 60603

Hilco Industrial, LLC  
Attn: Eric Kaup  
5 Revere Drive – Suite J206  
Northbrook, IL 60062

Internal Revenue Service  
230 S. Dearborn St. – Mail Stop 5010 CHI  
Attn: Genora Reed  
Chicago, IL 60604

Schatz Enterprises, Inc.  
Attn: David Schatz  
700 Schatz Lane (PO Box 92)  
Sullivan, MO 63080

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Illinois Department of Revenue  
Bankruptcy Section, Level 7-425  
100 W. Randolph St.  
Chicago, IL 60601

McCarthy, Leonard Kaemmerer Owen  
McGovern, Striler & Menghini  
(Attn: M. Kaemmerer)  
400 S. Woods Mill Road – Suite 250  
Chesterfield, MO 63017

Kevin B. Duff  
Rachlis Durham Duff & Adler  
542 S. Dearborn St. – Suite 900  
Chicago, IL 60605

Sills Cummis Epstein & Gross PC  
Attn: Andrew Sherman  
One Riverfront Plaza  
Newark, New Jersey 07102

GE Commercial Finance Capital Solutions  
Attn: J. Stine, Special Assets  
10 Riverway Drive  
Danbury, CT 06812

Smith & Brockhage LLP  
Attn: Randall Smith  
3480 Buskirk Ave. – Suite 200  
Pleasant Hill, CA 94523

City Attorney's Office  
City of Santa Rosa, California  
Attn: B. Farrell and P. Wilson  
100 Santa Rosa Ave. – Room 8  
Santa Rosa, CA 95402

Gene R. Clark  
HSBC Mortgage Services  
1270 Northland Drive – Suite 200  
Mendota Heights, MN 55120

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Jay A. Kohler  
K&M Services  
482 Constitution Way – Suite 313  
Idaho Falls, ID 83402

Arnall Golden Gregory LLP  
Attn: D. Laddin and F. White  
171 Seventeenth St. NW – Suite 210  
Atlanta, GA 30363-1031

Chapman Cowherd Turner & Tschannen,  
P.C.  
Attn: Robert Cowherd  
903 Jackson Street  
Chillicothe, MO 64601

Mathis, Marifian Richter & Grandy  
Attn: Mary Lopinot  
23 Public Square – Suite 300  
Beleville, IL 62220

Leslie Allen Bayles  
Vedder Price PC  
222 N. LaSalle Street – Suite 2600  
Chicago, IL 60601-1003

Harold E. McKee  
Riordan McKee & Piper LLC  
10 N. Dearborn St. – #400  
Chicago, IL 60602

Linebarger Goggan Blair & Sampson  
Attn: Elizabeth Weller  
2323 Bryan Street – Suite 1600  
Dallas, TX 75201

Evans Keane LLP  
Attn: Jed W. Manwaring  
1405 W. Main Street  
Boise, ID 83701

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Michael M. Eidelman  
Vedder Price PC  
222 N. LaSalle St. – Suite 2600  
Chicago, Ill 60601-1003

Patricia E. Rademacher  
Jennifer Rojas  
Coston & Rademacher  
105 W. Adams – Suite 1400  
Chicago, IL 60603

Conway & Mrowiec  
Attn: Kenenth A. Cripe  
20 S. Clark St. – Suite 750  
Chicago, IL 60603

Mark Sorrentino  
Maryland Dept. of Labor, Licensing & Reg.  
Office of Unemployment Insurance  
1100 N. Eutaw St. – Room 401  
Baltimore, MD 21201

Francis X. Buckley  
Thompson Coburn LLP  
One U.S. Bank Plaza  
St. Louis, MO 63101

Vinson & Elkins, LLP  
Attn: John F. West  
1001 Fannin Street – Suite 2500  
Houston, TX 77002

Robinson Waters O'Dorisio  
Attn: Anthony L. Leffert  
1099 18th Street – Suite 2600  
Denver, CO 80202-1926

Thompson Coburn LLP  
55 E. Monroe Street  
Chicago, IL 60603

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Bankruptcy Administration  
IKON Financial Services  
1738 Bass Road  
Macon, GA 31208-3708

Garelli & Associates  
Attn: Amy Galvin Grogan  
340 W. Butterfield Rd. – Suit 2A  
Elmhurst, IL 60126

Linebarger Cogan Blair & Sampson  
Attn: John P. Dillman  
1301 Travis St. - #300  
Houston, TX 77002

Qwest Corporation  
Attn: Mark D. Schmidt  
700 Mineral Ave., MN B1429  
Littleton, CO 80120

Epstein Becker & Green, P.C.  
Attn: Howard A. Wolf-Rodda  
1227 25th Street, NW / Suite 700  
Washington, DC 20037

Kristie Stamps  
c/o Qwest Services Corp.  
200 S. 5th Street – Suite 2300  
Minneapolis, MN 55402

Hans U. Stucki  
Kevin J. Ryan  
Epstein Becker & Green, P.C.  
150 N. Michigan Ave.  
35<sup>th</sup> Floor  
Chicago, IL 60601

Tennessee Department of Revenue  
c/o Attorney General Office  
PO Box 20207  
Nashville, TN 37202-0207



In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Riffner Barber Rowden & Manassa  
Attn: Timothy Binetti  
1834 Walden Office Square - #500  
Schaumburg, IL 60173

Jay A. Kohler  
1418 W. Colorado Avenue  
Idaho Falls, ID 83402

Duane Morris LLP  
Attn: John R. Weiss  
190 S. LaSalle Street  
Suite 3700  
Chicago, IL 60603

Goldberg Kohn  
Attn: Shira R. Isenberg  
55 E. Monroe Street – Suite 3300  
Chicago, IL 60603

Crane Heyman Simon Welch & Clar  
Attn: Jeffrey C. Dan  
135 S. LaSalle St. – Suite 1540  
Chicago, IL 60603

Jeffrey L. Gansberg  
Much Shelist Denenberg Ament & Rubenstein  
191 N. Wacker Drive  
Suite 1800  
Chicago, IL 60606

Kaye Scholer  
Attn: Harold D. Israel  
70 W. Madison St. – Suite 4100  
Chicago, IL 60602

The Karmel Law Firm  
Attn: Jonathan Karmel  
221 N. LaSalle St. – Suite 1414  
Chicago, IL 60601

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Kokoszka & Janczur  
Attn: Frank J. Kokoszka  
140 S. Dearborn St. – Suite 1610  
Chicago, IL 60603

Blau & Bonavich  
Attn: Leslie A. Blau  
140 S. Dearborn St. – Suite 1610  
Chicago, IL 60603

Michael D. Lee  
Schuyler Roche PC  
130 E. Randolph St. – Suite 3800  
Chicago, IL 60601

Reno & Zahm  
Attn: Ian K. Linnabary  
2902 McFarland Road – Suite 400  
Rockford, IL 61107

Johnson & Newby  
Attn: David A. Newby  
39 S. LaSalle St. – Suite 820  
Chicago, IL 60603

Bell Boyd & Lloyd  
Attn: Sven T. Nylen  
70 W. Madison St. – Suite 3100  
Chicago, IL 60602

Lisa D. Johnson  
Richard R. Winter  
Jonathan E. Strouse  
Holland & Knight LLP  
131 S. Dearborn St., 30th Floor  
Chicago, IL 60603

Fabyanske Westra Hart & Thompson  
Attn: Richard G. Jensen  
800 N. LaSalle Ave. – Suite 1900  
Minneapolis, MN 55402

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Missouri Dept. of Revenue  
Attn: Steven A. Ginther  
301 W. High Street – Room 607  
Jefferson City, MO 65105-0475

Travis Rojakovick  
Mayer Brown LLP  
71 S. Wacker Drive  
Chicago, IL 60606

W. Kent Carter  
Clark Hill  
150 N. Michigan Avenue  
Suite 2400  
Chicago, IL 60601

T. Darin Boggs  
Boggs, Avellino, Lach & Boggs  
7912 Bonhomme  
Suite 400  
St. Louis, MO 63105-1912

Katherine Heid Harris  
Locke Lord Bissell & Liddell, LLP  
111 South Wacker Drive  
Chicago, IL 60606

U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

U.S. Department of Labor  
200 W. Adams Street, Suite 1600  
Chicago, IL 60606

Mark K. Ames  
Taxing Authority Consulting Services PC  
2812 Emerywood Parkway, Suite 220  
Richmond, VA 23294

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Alan I. Ehrenberg  
Ehrenberg & Egan, LLC  
10 S. Riverside Plaza, Suite 1800  
Chicago, IL 60606

Mark Griffin  
Department of Revenue  
PO Box 320001  
Montgomery, AL 36132

Julie Adams Jacobs  
Assistant Attorney General  
40 Capitol Square SW  
Atlanta, GA 30334

Dwight Samuel Johnson  
Johnson & Monteleone, LLP  
405 South 8<sup>th</sup> Street, Suite 250  
Boise, ID 83702

PA Department of Labor & Industry  
Office of Unemployment Benefits  
6<sup>th</sup> Floor BPC  
651 Boas Street  
Harrisburg, PA 17121

Andrew H. Sherman  
Sills Cummis Epstein & Gross  
One Riverfront Plaza  
Newark, NJ 07102

State of Michigan  
Department of Treasury  
Revenue Division  
P.O. Box 30754  
Lansing, MI 48909

Michelle T. Sutter  
Principal Assistant Attorney General  
Ohio Attorney General's Office  
30 East Broad Street, 17<sup>th</sup> Floor  
Columbus, OH 43215

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Contrarian Funds, LLC  
411 West Putnam Avenue, Suite 225  
Greenwich, CT 06830

Tony Kim  
Schad, Diamond & Schedden, PC  
332 South Michigan Avenue, Suite 1000  
Chicago, IL 60604

Fabel Haber LLC  
55 East Monroe Street  
Chicago, IL 60603

PA Department of Labor & Industry Office  
of Unemployment Compensation  
Harrisburg Bankruptcy and Compensation  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2235

Michelle T. Sutter  
1600 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202

Danielle M. Kays  
Cheng Cohen LLC  
1101 W. Fulton Market  
Suite 200  
Chicago, IL 60607

Alabama Department of Revenue  
Individual and Corporate  
Corporate Tax Section  
P.O. Box 327430  
Montgomery, AL 36132-7430

Alaska Department of Revenue  
P.O. Box 110420  
Juneau, AK 99811-0420

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Arkansas Secretary of State  
Business Services Division  
State Capitol  
Little Rock, AR 72201

Assessment Department  
Business Personal Property  
321 W. Lexington  
Independence, MO 64050-3711

Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, AZ 85007-2650

Colorado Department of Revenue  
1375 Sherman St.  
Denver, CO 80261-0001

Commonwealth of Virginia  
Department of Taxation  
Attn: Mr. William Cardine  
PMB 160, Junct. Plaza #16  
Ashburn, VA 20147-3408

Comptroller of Maryland  
Revenue Administration Division  
Annapolis, MD 21411-0001

Department of Revenue  
P.O. Box 5805  
Helena, MT 59604-5805

Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 21126  
Philadelphia, PA 19114-0326

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Delaware Division of Revenue  
P.O. Box 2044  
Wilmington, DE 19899-2044

Department of Revenue  
Bureau of Corporation Tax  
P.O. Box 280701  
Harrisburg, PA 17128-0701

Department of Revenue  
P.O. Box 94818  
Lincoln, NE 68509-4818

Department of Revenue  
P.O. Box 14790  
Salem, OR 97309-0470

Department of Revenue Service  
Taxpayer Services Division  
25 Sigourney Street  
Hartford, CT 06106-5041

District of Columbia  
Office of Tax and Revenue  
941 North Capitol Street  
Washington, DC 20002-4259

Division of Taxation  
Revenue Processing Center  
P.O. Box 666  
Trenton, NJ 08646-0666

Florida Department of Revenue  
5050 W. Tennessee Street  
Tallahassee, FL 32304-9278

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Franchise Tax Board  
P.O. Box 942857  
Sacramento, CA 94257-0001

Georgia Department of Revenue  
1800 Century Center Blvd.  
Atlanta, GA 30345-3205

Idaho State Tax Commission  
Bankruptcy Unit  
P.O. Box 36  
Boise, ID 83722-0036

Illinois Department of Revenue  
P.O. Box 19008  
Springfield, IL 62794-9008

Indiana Department of Revenue  
100 N. Senate Avenue  
Indianapolis, IN 46204-2253

Iowa Department of Revenue  
P.O. Box 10468  
Des Moines, IA 50306-0468

Kansas Department of Revenue  
915 SW Harrison Street  
Topeka, KS 66699-0001

Kentucky Revenue Cabinet  
Frankfort, KY 40620-0001



In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Louisiana Department of Revenue  
P.O. Box 91011  
Baton Rouge, LA 70821-9011

Maine Revenue Services  
P.O. Box 1062  
Augusta, ME 04332-1062

Massachusetts Department  
P.O. Box 7025  
Boston, MA 02204-7025

Minnesota Revenue  
Mail Station 1250  
St. Paul, MN 55145-0001

NH Department of Revenue  
Document Processing Division  
P.O. Box 637  
Concord, NH 03302-0637

New York State Department of Taxation &  
Finance  
Bankruptcy Section  
P.O. Box 5300  
Albany, NY 12205-0300

Office of Revenue  
P.O. Box 23050  
Jackson, MS 39225-3050

Ohio Department of Taxation  
P.O. Box 27  
Columbus, OH 43216-0027

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Ohio Department of Taxation  
Bankruptcy Division  
P.O. Box 530  
Columbus, OH 43216

Regional Income Tax Agency  
P.O. Box 89475  
Cleveland, OH 44101-6475

Rhode Island Division of Revenue  
One Capital Hill  
Providence, RI 02908-5816

SC Department of Revenue  
P.O. Box 12265  
Columbia, SC 29211-2265

State of Maryland  
Department of Assessments  
Personal Property Division  
301 West Preston Street  
Baltimore, MD 21201-2305

State of Minnesota –Department of Revenue  
Bankruptcy Section – Collection Division  
P.O. Box 64447  
Saint Paul, MN 55164-0447

State Tax Commission  
P.O. Box 56  
Boise, ID 83756-0056

State of Nevada  
P.O. Box 52609  
Phoenix, AZ 85072-2609

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

State of New Hampshire  
Department of Revenue Administration  
Pierre O. Boisvery  
P.O. Box 454  
Concord, NH 03302-0454

State of South Carolina  
Department of Revenue  
301 Gervais Street  
Columbia, SC 29201-3028

State of New Jersey  
Division of Taxation Bankruptcy Unit  
P.O. Box 245  
Trenton, NJ 08646-0245

State of Oregon  
Department of Revenue  
955 Center Street NE  
Salem, OR 97301-2553

Tennessee Department of Revenue  
Andrew Jackson State Office  
500 Deaderick Street  
Nashville, TN 37242-0001

Taxation & Revenue Department  
P.O. Box 25127  
Santa Fe, NM 87504-5127

Texas Comptroller of Public  
111 E. 17<sup>th</sup> Street  
Austin, TX 78774-0001

Texas Secretary of State  
Corporations Section  
P.O. Box 13697  
Austin, TX 78711-3697

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Utah State Tax Commission  
210 N. 1950 W  
Salt Lake City, UT 84134-9000

Vermont Department of Tax  
109 State Street  
Montpelier, VT 05609-1401

Vermont Department of Taxes  
P.O. Box 429  
Montpelier, Vt 05601-0429

Virginia Department of Taxes  
P.O. Box 1500  
Richmond, VA 23218-1500

Wisconsin Department of Revenue  
P.O. Box 8908  
Madison, WI 53708-8908

State of New Jersey  
Department of Treasurer  
Attn: Mr. Jeff Cooper  
P.O. Box 269  
Trenton, NJ 08695-0269

State of Wisconsin  
Department of Revenue  
2135 Rimrock Road  
P.O. Box 8901  
Madison, WI 53708-8901

Norman P. Fivel  
Assistant Attorney General  
New York State Attorney General's Office  
Justice Building, Room C-11  
Room 016990  
Albany, NY 12224

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

Faith Dolgin, SPAAG  
Illinois Department of Revenue  
100 W. Randolph Street, 13<sup>th</sup> Floor  
Chicago, IL 60601

Michelle T. Sutter  
Assistant Attorney General  
1600 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202

James D. Newbold  
Assistant Attorney General  
State of Illinois  
Revenue Litigation Bureau  
100 W. Randolph Street  
Chicago, IL 60601

T. Darrin Boggs  
Boggs, Avellino, Lach & Boggs, LLC  
7912 Bonhomme Ave., Suite 400  
St. Louis, MO 63105

Billy Joe Walker  
1114 W. Oklahoma St.  
Sulphur Spring, OK 73086

Anthony K. Reiner  
The Vogler Law Firm, P.C.  
P.O/ Box 419037  
Two City Place Drive – Suite 150  
St. Louis, MO 63141

Andrew A. Boros  
Kopka Pinkus Dolin & Eads, P.C.  
200 N. LaSalle Street  
Suite 2850  
Chicago, IL 60601-1090

CNH Capital America LLC  
Successor to Case Credit Corp.  
P.O. Box 3600  
Lancaster, PA 17604-3600

In Re: ORIUS CORP., et al – Case No. 05-B-63876

SERVICE LIST

De Lage Landen Financial  
P.O. Box 41601  
Philadelphia, PA 19101-1601

PinPoint DD Inc.  
6200 West 800 North  
Huntington, IN 46750-8877

Robert DiCapua  
609 Lilly Road  
Duncansville, PA 16635

TNT Underground  
6327 East Lemhi Court  
Napa, ID 83687-9176

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

---

In re:	)	Chapter 11
	)	
ORIUS CORP., <i>et al.</i>	)	Case No. 05-B-63876
	)	(Jointly Administered)
Debtors.	)	
	)	Honorable Judge Bruce W. Black
	)	
	)	Hearing Date: December 23, 2009
	)	Hearing Time: 9:30 a.m.

---

**MOTION FOR ORDER (I) ENTERING FINAL DECREE AND CLOSING  
CHAPTER 11 CASE; (II) AUTHORIZING ABANDONMENT OF BOOKS, RECORDS  
AND FILES; AND (III) GRANTING CERTAIN RELATED RELIEF**

The Orius Liquidation Trust, by and through Lori Lapin Jones, not individually but solely in her capacity as Liquidation Trustee (the “**Trustee**”) of the Orius Liquidation Trust (the “**Trust**”), hereby submits this motion (the “**Motion**”) under §§ 350 and 554 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, (the “**Bankruptcy Code**”), Rules 3022 and 6007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 3022-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of Illinois (the “**Local Rules**”) seeking an order (i) entering a final decree in and closing the chapter 11 case of Orius Corp. (the “**Remaining Debtor**”); (ii) authorizing the abandonment of books, records and files; and (iii) granting certain related relief, as described further herein. In support of this Motion, the Trust respectfully states as follows:

### **BACKGROUND**

1. On December 12, 2005 (the "**Petition Date**"), each of the Debtors<sup>1</sup> filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division (the "**Court**"), commencing the above-captioned chapter 11 cases.

2. On November 16, 2006, this Court approved the Debtors' Plan.<sup>2</sup>

3. The Effective Date of the Plan was December 21, 2006.

4. As of the Effective Date, all of the remaining Property of the Estates was transferred to and vested in the Trust. Effective as of February 1, 2007, Lori Lapin Jones became the Trustee of the Trust.

5. Final decrees have been entered with respect to each Debtor's case except the case of the Remaining Debtor, Orius Corp. (Case No. 05-63876).

6. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 157 and 1334 and pursuant to Article XI of the Plan. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

7. The statutory predicates for the relief requested in this Motion are §§ 350 and 554 of the Bankruptcy Code, Rules 3022 and 6007 of the Bankruptcy Rules and Rule 3022-1 of the Local Rules.

---

<sup>1</sup> The Debtors are the following entities: Orius Corp., NATG Holdings, LLC, Orius Telecom Services, Inc., Orius Telecommunication Services, Inc., Orius Central Office Services, Inc., Texor, Inc., CATV Subscriber Services, Inc., Hattech, Inc., Channel Communications, Inc., LISN, Inc., Copenhagen Utilities & Construction, Inc., LISN Company and U.S. Cable, Inc.

<sup>2</sup> Capitalized terms not otherwise defined in this Motion shall have the definitions ascribed to them in the Debtors' Second Amended Joint Plan of Liquidation.



**RELIEF REQUESTED**

8. By this Motion, the Trust requests that this Court enter a final decree and order closing the Remaining Debtor's case, which has been fully administered. In addition, the Trustee seeks an order authorizing the abandonment of books, records and files and granting certain related relief, described below.

**APPLICABLE AUTHORITY**

**A. Entry of Final Decree and Case Closing**

9. The Remaining Debtor represents the sole Debtor whose case currently remains open; the chapter 11 cases for each of the other Debtors previously have been closed. The Remaining Debtor's estate is now fully administered. Accordingly, it is appropriate to close the Remaining Debtor's case at this time.

10. Section 350(a) of the Bankruptcy Code provides that after an estate is fully administered "the court shall close the case." Bankruptcy Rule 3022 further provides that "[a]fter an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case."

11. The concept of "fully administered" means "the point when the estate reaches substantial consummation as defined by Section 1101(2) of the bankruptcy code." *In re Wade*, 991 F.2d 402, 407, n. 2 (7th Cir. 1992). Section 1101(2) of the Bankruptcy Code provides that:

(2) "substantial consummation" means:

(A) transfer of all or substantially all of the property proposed by the plan to be transferred;

- (B) assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (C) commencement of distribution under the plan.

12. In addition, courts have directed that the following events should be considered when determining if an estate has been fully administered: 1) when the order confirming the plan has become final, 2) when deposits have been distributed, 3) when payments under the plan have been commenced and 4) when all motions, contested matters, and adversary proceedings have been resolved. *See In re Xpedior Inc.*, 354 B.R. 210, 219 (Bankr. N.D. Ill. 2006).

13. The Trustee has made distributions on account of Chapter 11 administrative claims. There are no unresolved motions or contested matters involving the Remaining Debtor. Prior to the hearing on this Motion, all preference adversary proceedings relating to the Remaining Debtor will be closed.

14. The Trust has concluded that there are insufficient Trust assets available to make a distribution on account of General Unsecured Claims. Therefore, the distribution to holders of General Unsecured Claims shall be \$0.

15. All fees owed to the Office of the United States Trustee have been timely paid to date. Prior to the hearing on this Motion, the Trust intends to make the required quarterly fee payment for fourth quarter 2009 to the Office of the United States Trustee.

16. For the reasons described above, the Trust submits that the Remaining Debtor's estate has been fully administered, and, accordingly, it is entitled to the entry of a final decree closing the Remaining Debtor's chapter 11 case.

**B. Abandonment of Books and Records**

17. Section 554 of the Bankruptcy Code provides, in part, that “[a]fter notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate.”

18. Article IX of the Trust Agreement provides, in part, that “[u]pon making the final distribution to the appropriate Beneficiaries, the Trustee may immediately abandon or destroy any then remaining books, records and files relating to the Liquidation Trust.”

19. Although the Trust Agreement appears to provide authority for the immediate abandonment of any “remaining books, records and files relating to the Liquidating Trust,” the Trust, in the exercise of caution, respectfully requests authority to abandon all books and records pursuant to § 554 of the Bankruptcy Code. There are thousands of books and records in storage which are no longer required. The Trust will coordinate the destruction of these books and records.

**C. Request for Limited Notice**

20. Rule 3022-1 of the Local Rules provides, in part:

Unless the court orders otherwise, debtors or other parties in interest moving after chapter 11 plan confirmation either to close the case or enter a final decree shall (1) give notice of such motion to the United States Trustee, any chapter 11 trustee, and all creditors, and (2) state within the notice or motion the actual status of all payments due to each class under the confirmed plan.

21. Rules 6007 of the Bankruptcy Rules provides, in part, that “[u]nless otherwise directed by the court, the trustee or debtor in possession shall give notice of a proposed abandonment or disposition of property to the United States trustee, all creditors, indenture trustees, and committees . . .”

22. Notice of this Motion has been given to: (a) the United States Trustee; (b) counsel to Deutsche Bank Trust Company Americas, as agent for the Prepetition Lenders; (c) former counsel to the Official Committee of Unsecured Creditors; (d) all parties who have requested notices in the Debtors' cases; and (e) select government entities. In light of the nature of the relief requested, the Trust respectfully requests that the Court deem the service of the Motion as described herein to be adequate and find that no further notice is required.

**WHEREFORE**, the Trust respectfully requests that the Court (a) enter a Final Decree and Order Closing Case and Authorizing the Abandonment of Books and Records for the Remaining Debtor, in substantially in the form attached as Exhibit A, closing the Remaining Debtor's case, authorizing the abandonment of books, records and files of the Trust, and limiting notice, as provided herein, and (b) grant such other and further relief as the Court may deem proper.

Dated: November 30, 2009

Respectfully submitted,

**THE ORIUS LIQUIDATION TRUST**

/s/ Forrest B. Lammiman  
One of Its Attorneys

Forrest B. Lammiman (ARDC # 6208632)  
Meltzer, Purtill & Stelle LLC  
300 South Wacker Drive  
Suite 3500  
Chicago, Illinois 60606  
Tel: (312) 987-9900  
Fax: (312) 987-9854  
flammiman@mpslaw.com